

# MINNEAPOLIS CITY COUNCIL OFFICIAL PROCEEDINGS

## REGULAR MEETING OF AUGUST 5, 2005

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Council Chamber  
350 South 5<sup>th</sup> Street  
Minneapolis, Minnesota  
August 5, 2005 - 9:30 a.m.

Council President Ostrow in the Chair.

Present - Council Members Johnson, Colvin Roy, Zimmermann, Schiff, Zerby, Lilligren, Johnson Lee, Niziolek, Benson, Goodman, Lane, Samuels, President Ostrow.

Lilligren moved adoption of the agenda. Seconded.

Adopted upon a voice vote.

Lilligren moved acceptance of the minutes of the regular meeting held July 22, 2005 and the adjourned sessions of July 22, 2005 and July 28, 2005. Seconded.

Adopted upon a voice vote.

Lilligren moved referral of petitions and communications and reports of the City officers to the proper Council committees and departments. Seconded.

Adopted upon a voice vote.

### PETITIONS AND COMMUNICATIONS

#### COMMUNITY DEVELOPMENT:

COMMUNITY PLANNING & ECONOMIC DEVELOPMENT (270555)

Living Wage/Job Linkage Employment Report.

Twin Cities Habitat for Humanity: Memorandum of Understanding.

#### COMMUNITY DEVELOPMENT (See Rep):

COMMUNITY PLANNING & ECONOMIC DEVELOPMENT (270556)

Karamu West: Extend Contamination Cleanup Grant from Minnesota Department of Employment and Economic Development.

St. Anthony Mills Apartments and Mill Quarter Parking Ramp: Execute Section 106 Memorandum of Agreement with HUD, Minnesota State Historic Preservation Office and BD St. Anthony Mills Limited Partnership.

Minneapolis Housing Replacement TIF District II: Addition/deletion of parcels.

Metropolitan Council 2005 Livable Communities Grant for Lowry Av Corridor Project: Endorse grant application from Hennepin County.

#### COMMUNITY DEVELOPMENT and WAYS & MEANS/BUDGET (See Rep):

COMMUNITY PLANNING & ECONOMIC DEVELOPMENT (270557)

Metropolitan Council Livable Communities Grants: Accept Tax Base Revitalization Account grants.

**NEIGHBORHOOD REVITALIZATION PROGRAM (NRP) (270558)**

Northeast Park: Approve Modification #2 to Phase I Action Plan.

Jordan: Approve Phase II Action Plan.

Hale, Page and Diamond Lake: Approve Phase II Action Plan.

**HEALTH AND HUMAN SERVICES:**

**COMMUNITY PLANNING & ECONOMIC DEVELOPMENT (270559)**

Career/Post-Secondary Planning in Minneapolis High Schools: Achieve! Minneapolis model for career and post secondary planning for all Minneapolis high school students.

**HEALTH AND HUMAN SERVICES (See Rep):**

**HEALTH AND FAMILY SUPPORT SERVICES (270560)**

Public Health Advisory Committee: Rescind enabling Resolution and Approve new Resolution defining the role, function, size, composition and organization of the Public Health Advisory Committee for the Minneapolis Department of Health & Family Support.

**HEALTH AND HUMAN SERVICES and WAYS & MEANS/BUDGET (See Rep):**

**INSPECTIONS DEPARTMENT (270561)**

NACCHO Grant Linking Advanced Practice Centers: Execute contract with Susan Kulstad to perform deliverables for the Minneapolis portion of the project during the term of the grant.

**REGULATORY SERVICES (270562)**

Lead Safe Housing: Accept grant award of \$7,500 and execute grant agreement with Minnesota Department of Health for provision of lead safe housing during lead hazard reduction activities.

Environmental Action for Children's Health Program: Accept up to \$30,000 and execute agreement with American Lung Association of Minnesota for provision of healthy homes inspections and recommendations.

**INTERGOVERNMENTAL RELATIONS:**

**INTERGOVERNMENTAL RELATIONS (270563)**

Federal Transportation Update.

**INTERGOVERNMENTAL RELATIONS (See Rep):**

**COMMUNITY PLANNING & ECONOMIC DEVELOPMENT (270564)**

MSP Airport Terminal Expansion: City's comments.

**INTERGOVERNMENTAL RELATIONS (270565)**

Local Government Approval (HF 441): Re retirement benefits for Mpls Police Relief Association & Mpls Firefighters' Relief Association.

**PUBLIC SAFETY AND REGULATORY SERVICES:**

**ATTORNEY (270566)**

Criminal Justice Issues: Booking Policies and Fees Report.

**PUBLIC SAFETY AND REGULATORY SERVICES (See Rep):**

**ATTORNEY (270567)**

City's Regulatory Framework: Concur in proposed five-year framework to review City's regulatory code and its priorities; Approve principles; Designate Regulatory Services as the lead department for

implementation of plan; Direct all City departments to include initiative in its revised business plans; Authorize Regulatory Services to convene cross-department work teams to implement plan.

INSPECTIONS DEPARTMENT (270568)

Chapter 249 Property at 418 Logan Av N: Authorize demolition.

INSPECTIONS DEPARTMENT (270569)

Chapter 249 Property at 3014 Emerson Av N: Authorize demolition.

INSPECTIONS DEPARTMENT (270570)

Chapter 249 Property at 3219 Lyndale Av N: Authorize demolition.

INSPECTIONS DEPARTMENT (270571)

Chapter 249 Property at 3911 Fremont Av N: Authorize demolition.

LICENSES AND CONSUMER SERVICES (270572)

City Billiards (25 4th St N): Rescind Resolution 2005R-080 approving Technical Advisory Committee recommendations relating to On-Sale Liquor Class E with Sunday Sales License, due to Resolution being a duplicate TAC Agreement passed by City Council on October 8, 2004.

Camden Liquors (4153 Lyndale Av N): Grant Off-Sale Liquor License (change in ownership), subject to conditions.

Licenses: Applications.

LICENSES AND CONSUMER SERVICES (270573)

Tailgating: Ordinance removing the sunset provision of September 12, 2005 for the expanded tailgate area.

Margarita Bella (1032 3rd Av NE): Revoke On-Sale Liquor Class B with Sunday Sales License due to outstanding tax liability; and immediately discontinue business within City of Minneapolis until tax clearance certificate is obtained from State.

Fikree Ice Cream (3201 Girard Av N): Deny renewal of Mobile Food Vendor License.

REGULATORY SERVICES (270574)

Rental Dwelling License Fees: Ordinance increasing the annual license fee for the first dwelling unit.

Citizen Environmental Advisory Committee (CEAC) and Environmental Coordinating Team (ECT): Authorize reconstitute the Environmental Coordinating Team to add two new voting members from City Attorney's Office and Fire Department; and amend enabling Resolution to change all references to Minneapolis Community Development Agency (MCDA) and replace with Community Planning & Economic Development Agency (CPED).

**PUBLIC SAFETY AND REGULATORY SERVICES and WAYS & MEANS/BUDGET (See Rep):**

FIRE DEPARTMENT (270575)

Fire Department Labor Management Initiatives: Approve appropriation of \$6,033.52 to Fire Department to reflect funds received from Labor Relations Division for costs associated with labor management initiatives.

POLICE DEPARTMENT (270576)

Donation to 4th Precinct: Accept donation of a treadmill from Lifetime Fitness for 4th Precinct Work Out Room.

PURCHASING (270577)

Bid for Fire Mobile Response Vehicle: OP #6473, accept low responsive bid of Rescue Vehicles of Iowa to furnish and deliver mobile response vehicle.

**TRANSPORTATION AND PUBLIC WORKS:**

PUBLIC WORKS AND ENGINEERING (270578)

Critical Parking Area: Application for designation of areas for 4600 & 4700 blocks of Abbott, Beard, Chowen, and Drew Av S.

Chicago Av Mall (Chicago Av between W River Pkwy and 2nd St S): Set Public Hearing to consider amending Title 17 of Minneapolis Code of Ordinances, adding a new Chapter 459, establishing a pedestrian mall.

Xcel Energy/NSP (270579)

Utility Pole: Install one (1) 40'4 pole in alley on 7th Av N behind 701 N 3rd Av, Design #133068.

Utility Pole: Install one (1) 35'4 pole on boulevard at 2815 44th Av N, Design #133843.

Utility Pole: Install one (1) 45'3 pole on boulevard across from 1300 2nd St NE, Service Request #394587.

Utility Pole: Install one (1) 45'4 pole on boulevard at Chicago Av & Washington Av S to serve new load in area.

Utility Pole: Install one (1) 45'4 pole at Fremont Av S and W 29th St, Design #128503.

**TRANSPORTATION AND PUBLIC WORKS (See Rep):**

PUBLIC WORKS AND ENGINEERING (270580)

Nextel Agreement: Authorize agreement to receive reimbursement for work performed by City staff.

Critical Parking Area: Ordinances establishing Area No. 11, No Parking, Except by Permit, 6 am to 9 pm, School Days and repealing obsolete zones in area.

248 Hennepin Av: Approve method of private sale of land to adjacent owner and set public hearing for 8/9/2005.

1910 Plymouth Av N: Approve method of private sale of land to adjacent owner and set public hearing for 8/9/2005.

Solid Waste & Recycling Clean City Functions: Authorize addition of 3 full-time employees.

**TRANSPORTATION AND PUBLIC WORKS and WAYS & MEANS/BUDGET (See Rep):**

PUBLIC WORKS AND ENGINEERING (270581)

St. Anthony Municipal Parking Ramp: Authorize lease with VoiceStream Minneapolis, Inc. (dba T-Mobile) for space in ramp commencing 1/1/2006, or onset of construction.

Mill Quarter Municipal Ramp: Approve Change Order Nos 1 - 8 and extend contract to 8/6/2005.

Pump Station #4: Authorize Request for Proposals for consulting service.

Bids: Accept a) OP #6484, bid of Clean Air and Water Systems LLC to furnish and install high-density polyethylene geomembrane liner at Columbia Heights Membrane Plant; b) OP #6466, low bid of Skyline Fire Protection, Inc. to install a fire protection system; and c) OP #6438, low responsive bids of American Cast Iron Pipe Company, Minnesota Pipe and Equipment, and National Water Works for ductile iron pipe, gates, and cast or ductile iron fittings.

**WAYS AND MEANS BUDGET:**

EXECUTIVE COMMITTEE (270582)

Governor's Salary Cap: Report advising HR Departments implementation of legislative changes - Receive and File.

**WAYS AND MEANS BUDGET (See Rep):**

ATTORNEY (270583)

Legal Settlements: a) Jonathan J. Charon; b) Deborah Upchurch; c) Hollywood Theatre Company, et al.

BUSINESS INFORMATION SERVICES (270584)

Enhanced (E-911) Telephone System: Issue RFP for improvements in emergency service delivery.

Minneapolis Emergency Communication Center: Execute contract with TriTech Software Systems for the Computer-Aided Dispatch (CAD) System; and Approve appropriation.

Unisys Contract: Increase Contract No. C-1888101 for Change Order transactions \$50,000 or less, for a period of 7 years (2003 - 2010).

CONVENTION CENTER (270585)

Emergency Medical Services: Authorize issuance of RFP for Emergency Medical Services at the Minneapolis Convention Center, effective January 1, 2006.

Visitor's Information Kiosk: Accept low bid from Greiner Construction Inc. for a Visitor's Information Kiosk at the Convention Center.

**COORDINATOR (270586)**

New Central Library Project: Accept low bid of FKI Logistex Inc. for an Automated Materials Handling System; authorize execution of contract.

New Central Library Project - Change Orders: a) Change Order No. 2 to increase Contract Number 019830 with Schindler Elevator Corporation; b) Change Order No. 3 to increase Contract Number C-19477 with Sowles Company, d.b.a. Northwest Tower Crane; c) Change Order No. 7 to increase Contract Number C-20366 with Egan Companies, Inc. d.b.a. Egan Mechanical; d) Change Order No. 6 to increase Contract Number C-20345 with Egan Companies, Inc. d.b.a. Egan McKay Electrical; e) Change Order No. 3 to increase Contract Number C-20480 with Spacesaver Storage Systems, Inc.; f) Change Order No. 6 to increase Contract Number C-20481 with PCL Construction Services, Inc.; g) Change Order No. 7 to increase Contract Number C-20481 with PCL Construction Services, Inc.; and h) Change Order No. 4 to increase Contract Number C-20480 with Spacesaver Storage Systems, Inc.

**EXECUTIVE COMMITTEE (270587)**

Director, Outreach & Enforcement: Classification of the position at Grade 11; and adopt Salary Ordinance establishing salary schedule.

**HUMAN RESOURCES (270588)**

Minneapolis Association of Fire Chiefs: Execute 3-year collective bargaining labor agreement.

**REGULATORY SERVICES (270589)**

Operations & Regulatory Services - Mechanical, Warm Air Inspectors: Approve hire of the following individuals; a) Leslie Blackwell (Step 5); and b) Robert Jovanovich (Step 6).

**ZONING AND PLANNING (See Rep):**

**HERITAGE PRESERVATION COMMISSION (270590)**

Appeal:

Whitney Partners, LLC (150 Portland Ave): Re Certificate of Appropriateness for 96-unit hotel conversion into 50 condominium units & additional window openings.

**PLANNING COMMISSION/DEPARTMENT (270591)**

Appeals:

Master Civil & Construction Engineering, Inc (4516 & 4556 E 46th St): Re Conditional use permit, variances & site plan for 27-unit residential building; Le Parisien, LLC (2301-09 Lyndale Ave S): Re Condition of site plan/roof style, variances for mixed use building.

Rezoning:

Master Civil & Construction Engineering (4516 E 46th St) (\*See Appeals).

**FILED:**

**LIBRARY, MINNEAPOLIS PUBLIC (270592)**

Comprehensive Annual Financial Report, 12/31/2004.

**PUBLIC WORKS AND ENGINEERING (270593)**

Ewing Av S Reconstruction: Receive and file details of bikeway/walkway component of project.

**FAMILY HOUSING FUND (270594)**

HousingLinK and Family Housing Fund: 2004 Housing Counts & letter.

*The following reports were signed by Mayor Rybak on August 11, 2005, unless noted otherwise. Minnesota Statutes, Section 331A.01, Subd 10, allows for summary publication of ordinances and resolutions in the official newspaper of the city.*

**REPORTS OF STANDING COMMITTEES**

The **COMMUNITY DEVELOPMENT** Committee submitted the following reports:

**Comm Dev** - Your Committee, having under consideration a request to extend the grant period for Minnesota Department of Employment and Economic Development Contamination Cleanup Grant funds

in the amount of \$262,500 to allow time to complete environmental remediation work for the Karamu West Project at Penn and Plymouth Av N, now recommends that the proper City officers be authorized to request and accept said grant extension (through December 31, 2005) and to execute any required documents.

Adopted 8/5/05.

**Comm Dev** - Your Committee, having under consideration the St. Anthony Mills Apartments (SAMA) Project planned for the area west of Chicago Av between Washington Av and 2nd St and the need to meet Section 106 (of the National Historic Preservation Act) requirements in order to qualify for federal funding, now recommends that the proper City officers be authorized to execute a Section 106 Memorandum of Agreement among the Department of Housing and Urban Development (HUD), the Minnesota State Historic Preservation Office and BD St. Anthony Limited Partnership regarding construction of the SAMA project as well as the adjacent Mill Quarter Parking Ramp.

Adopted 8/5/05.

**Comm Dev** - Your Committee recommends passage of the accompanying resolution adding/deleting the following parcels from the Minneapolis Housing Replacement Tax Increment Financing District II:

Add

1110 27th Av N  
1108 27th Av N  
2511 James Av N  
2525 James Av N  
2638 Colfax Av N  
2814 Knox Av N

Adopted 8/5/05.

Delete

4230 Irving Av N  
2649 Humboldt Av N  
2722 Newton Av N

Resolution 2005R-433, authorizing the addition and deletion of certain parcels from the Minneapolis Housing Replacement Tax Increment Financing District II, was adopted 8/5/05 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

**RESOLUTION 2005R-433**  
**By Goodman**

**Adopting the Addition to and Deletion from the Housing Replacement District II of the Below Stated Parcels**

Resolved By The City Council of The City Of Minneapolis:

Section 1. Recitals

1.1 Pursuant to Laws of Minnesota 2003, Chapter 127, Article 12, Sections 31-34, and Minneapolis Code of Ordinances, Chapter 415, the City of Minneapolis (the "City"), acting by and through its department of Community Planning and Economic Development, has been granted the authority to propose and implement city development districts, housing and redevelopment projects and tax increment financing districts, all pursuant to Minnesota Statutes, Sections 469.001 through 469.134, and 469.174 through 469.179, as amended, and Laws of Minnesota 1995, Chapter 264, Article 5, Sections 44 through 47, as amended by Minnesota Session Laws 1996, Chapter 471, Article 7, Minnesota Session Laws 1997, Chapter 231, Article 10, and Minnesota Session Laws 2002, Chapter 377, Article 7 (the "Act") and other laws enumerated therein (collectively, the "Project Laws"); and

1.2 By Resolution No 2003R-386 duly adopted on August 22, 2003, the City Council of the City (the "Council") adopted a resolution approving the Minneapolis Housing Replacement TIF District II Plan enabling the Agency to establish a Housing Replacement Tax Increment Financing District (the "District") within the City; and

1.3 That the Act and the Plan specify the procedures whereby parcels may be added to and deleted from the District; and

1.4 It has been proposed that the City add six parcels to the District and delete three parcels previously added to the District.

Section 2. Findings for the Adoption of the Plan

2.1 The Council hereby finds, determines and declares that these six parcels qualify for inclusion in the District pursuant to the Act and the Plan; and that the reasons and supporting facts for this determination are retained and available from the City.

2.2 The Council further finds, determines and declares that the properties to be deleted from the District include two vacant lots located at 2722 Newton Avenue North and 4230 Irving Avenue North, and one vacant and boarded structure located at 2649 Humboldt Avenue North.

2.3 The Council further finds, determines and declares that the intended acquisition of these properties did not take place and redevelopment did not occur, pursuant to the Project Laws.

2.4 The Council further finds, determines and declares that the properties to be added to and certified within the District includes three vacant, substandard single-family dwellings located at 2814 Knox Avenue North, 2638 Colfax Avenue North and 2511 James Avenue North; one vacant, substandard duplex located at 1110 27<sup>th</sup> Avenue North and two vacant lots located at 2525 James Avenue North and 1108 27<sup>th</sup> Avenue North.

2.5 The Council further finds, determines and declares that the intended reuse of these properties is market-rate, owner-occupied housing, pursuant to the Project Laws.

2.6 The Council further finds, determines and declares that there are now 33 parcels in the Minneapolis Housing Replacement District TIF II with the inclusion of the above named parcels. The maximum number of parcels that can be included in the District is 100 parcels.

Now, Therefore, Be It Resolved by The City Council of the City of Minneapolis:

That the parcels listed above are hereby approved for inclusion and/or deletion as part of the Minneapolis Housing Replacement TIF District II.

Adopted 8/5/05.

**Comm Dev** - Your Committee recommends that the City endorses one Metropolitan Council Livable Communities Demonstration Account (LCDA) Grant application from the Hennepin County Housing and Redevelopment Authority requesting the amount of \$750,000, and that the City supports the project as part of the Hennepin County West Lowry Avenue Corridor Redevelopment. Said grant application will not be put in priority order among the other LCDA grant applications submitted by the City of Minneapolis.

Adopted 8/5/05.

The **COMMUNITY DEVELOPMENT** and **WAYS & MEANS/BUDGET** Committees submitted the following reports:

**Comm Dev & W&M/Budget** - Your Committee, having under consideration a request for Modification #2 to the Northeast Park Neighborhood Revitalization Program (NRP) Phase I Neighborhood Action Plan, now recommends:

1) Approval of said modification creating two new strategies (Northeast Community Center/Fitness Facility study and Northeast Gateway Streetscapes) and moving funding from the Housing and Environment area; and

2) That the proper City officers be authorized to enter into any contracts or agreements needed to implement said Plan.

Ostrow moved to amend the report to make the modification effective May 15, 2005. Seconded.

Adopted upon a voice vote.

The report, as amended, was adopted 8/5/05.

**Comm Dev & W&M/Budget** - Your Committee, having under consideration the Jordan Neighborhood Revitalization Program (NRP) Phase II Neighborhood Action Plan as approved by the NRP Policy Board, now recommends:

1) Approval of said action plan (as included in Petn No 270558) and specifically those parts of the Plan that fall under City jurisdiction, with the total cost of the Plan not to exceed \$906,958;

2) Passage of the accompanying resolution increasing the Community Planning and Economic Development (CPED) Department appropriation by \$789,247, to the NRP fund for implementation of the Jordan Neighborhood Action Plan; and

3) That the proper City officers be authorized to enter into any contracts or agreements needed to implement said Plan.

Adopted 8/5/05.

**RESOLUTION 2005R-434**  
**By Goodman and Johnson**

**Amending the 2005 General Appropriation Resolution.**

Resolved by The City Council of The City of Minneapolis:

That the above-entitled resolution, as amended, be further amended by increasing the appropriation for the Community Planning and Economic Development Agency in the NRP Program Fund (CNR0-890-3550) by \$789,247.

Adopted 8/5/05.

**Comm Dev & W&M/Budget** - Your Committee, having under consideration the Hale, Page and Diamond Lake Neighborhood Revitalization Program (NRP) Phase II Neighborhood Action Plan as approved by the NRP Policy Board, now recommends:

1) Approval of said action plan (as included in Petn No 270558) and specifically those parts of the Plan that fall under City jurisdiction, with the total cost of the Plan not to exceed \$835,143;

2) Passage of the accompanying resolution increasing the Community Planning and Economic Development (CPED) Department appropriation by \$728,953, to the NRP fund for implementation of the Hale, Page and Diamond Lake Neighborhood Action Plan; and

3) That the proper City officers be authorized to enter into any contracts or agreements needed to implement said Plan.

Adopted 8/5/05.

**RESOLUTION 2005R-435**  
**By Goodman and Johnson**

**Amending the 2005 General Appropriation Resolution.**

Resolved by The City Council of The City of Minneapolis:

That the above-entitled resolution, as amended, be further amended by increasing the appropriation for the Community Planning and Economic Development Agency in the NRP Program Fund (CNR0-890-3550) by \$728,953.

Adopted 8/5/05.

**Comm Dev & W&M/Budget** - Your Committee, having under consideration acceptance an appropriation of Metropolitan Council Livable Communities Tax Base Revitalization Account (TBRA) Grants, now recommends:

a) Acceptance of the following grants:

|                                 |           |              |
|---------------------------------|-----------|--------------|
| Eat Street Flats and Market     | \$288,706 | (SG005-050)  |
| Hiawatha Business Center        | \$168,200 | (SG005-051)  |
| 2037 Riverside Av/Jimmie John's | \$ 8,904  | (SG005-052)  |
| Park Avenue Lofts               | \$419,000 | (SG005-055)  |
| Greenway Terrace                | \$161,430 | (SG005-057); |



b) Passage of the accompanying resolution increasing the appropriation and revenue source for the Community Planning and Economic Development (CPED) Agency by \$1,046,240 to reflect the receipt of said funds; and

c) That the proper City officers be authorized to execute grant, subrecipient, and/or disbursement and related agreements for said grants.

Adopted 8/5/05.

**RESOLUTION 2005R-436**  
**By Goodman and Johnson**

**Amending the 2005 General Appropriation Resolution.**

Resolved by The City Council of The City of Minneapolis:

That the above-entitled resolution, as amended, be further amended by increasing the appropriation for the Community Planning and Economic Development Agency in the State Grants & Loans Fund (SMN0-890-8490) by \$1,046,240 and increasing the revenue source (SMN0-890-8490) by \$1,046,240.

Adopted 8/5/05.

The **HEALTH & HUMAN SERVICES** Committee submitted the following report:

**H&HS** - Your Committee, having under consideration the roles and responsibilities of the Public Health Advisory Committee, now recommends passage of the accompanying Resolutions:

a. Rescinding Resolution 76R-089 entitled "Establishing a Public Health Advisory Committee for the Minneapolis Health Department to review and make recommendations regarding Health Department programs", passed March 26, 1976.

b. Approving and adopting a consolidated and amended resolution defining the role, function, size, composition and organization of the Public Health Advisory Committee for the Minneapolis Department of Health & Family Support.

Adopted 8/5/05.

Resolution 2005R-437, rescinding Resolution 76R-089 entitled "Establishing a Public Health Advisory Committee for the Minneapolis Health Department to review and make recommendations regarding Health Department programs", passed March 26, 1976, was adopted 8/5/05 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

**RESOLUTION 2005R-437**  
**By Johnson Lee**

**Rescinding Resolution 76R-089 entitled "Establishing a Public Health Advisory Committee for the Minneapolis Health Department to review and make recommendations regarding Health Department programs", passed March 26, 1976.**

Resolved by The City Council of The City of Minneapolis:

That the above-entitled Resolution be and is hereby rescinded.

Adopted 8/5/05.

Resolution 2005R-438, approving and adopting a consolidated and amended resolution defining the role, function, size, composition and organization of the Public Health Advisory Committee for the Minneapolis Department of Health & Family Support, was adopted 8/5/05 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

**RESOLUTION 2005R-438**

**By Johnson Lee**

**Approving and adopting a consolidated and amended resolution defining the role, function, size, composition and organization of the Public Health Advisory Committee for the Minneapolis Department of Health & Family Support.**

Whereas, the Public Health Advisory Committee, a standing advisory committee to the Minneapolis Department of Health & Family Support and the Minneapolis City Council, has been in existence since 1976 in accord with the provisions of the Community Health Services Act (Minn. Laws 1976, Ch. 9); and

Whereas, changes to the public health system at the state and local levels since 1976 necessitate that the responsibilities and composition of the Public Health Advisory Committee be updated to allow the committee to most effectively serve the City of Minneapolis;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the Public Health Advisory Committee for the Minneapolis Department of Health & Family Support shall have the following responsibilities and composition:

A. Role of the Public Health Advisory Committee: The role of the Public Health Advisory Committee is to advise the City Council and the Department of Health & Family Support on policy matters affecting the health of Minneapolis residents, and to serve as liaisons between the City and the community in addressing health concerns. In this role the Public Health Advisory Committee shall make every effort to ensure that the concerns addressed and represented reflect the diverse viewpoints and interests of the Minneapolis community as a whole.

B. Public Health Advisory Committee Functions: The Public Health Advisory Committee shall have responsibility for the following functions:

To advise the City Council regarding (a) policy matters affecting the health of Minneapolis residents, and (b) general roles and functions of the Department of Health & Family Support;

To review the proposed priorities of the Department of Health & Family Support and to make recommendations to the City Council regarding such priorities;

To consider complaints and views expressed by residents which affect the delivery of public health services in Minneapolis and to forward those concerns and make recommendations as necessary to the City Council and/or the Department of Health & Family Support.

C. Size and Composition: It shall be the intent of the City Council that the composition of the Public Health Advisory Committee reflect the diverse interests, backgrounds and perspectives of the Minneapolis community as a whole. In furtherance of this goal, all parties responsible for the recruitment, recommendation and approval of prospective members of the Public Health Advisory Committee shall make every available effort to ensure the realization of a highly qualified committee membership reflective of diverse perspectives.

The Public Health Advisory Committee shall have up to twenty-two (22) members composed of fourteen (14) Minneapolis residents and a maximum of eight (8) other representatives. The resident members shall be selected by having each of the thirteen (13) City Council members appoint one resident of their respective wards, with one resident representative appointed by the Mayor.

The eight (8) remaining representatives shall be appointed by the City Council by requesting the following organizations to submit a nominee representing their respective interests:

One (1) member - Minneapolis Public Schools, Health Related Services;

One (1) member - Hennepin County Human Services and Public Health;

One (1) member - The University of Minnesota School of Public Health;

Two (2) members - Urban Health Professional Advisory Committee.

Up to three (3) members - At Large appointees to be recommended by the Public Health Advisory Committee in order to ensure that the membership reflects the diversity of the Minneapolis community as a whole.

In addition, one representative from the Minneapolis Environmental Services Division of Regulatory Services, to represent Environmental Health shall serve in an ex officio capacity.

D. Organization, Term, Meeting Frequency: Continuity of membership shall be assured by having an approximately equal number of terms expire each year. Accordingly, if necessary to achieve this continuity, the committee shall have the discretion to require up to eleven (11) of its members as determined by lottery serve an initial one-year term.

All terms shall be two years and no member shall serve more than three consecutive terms;

The Public Health Advisory Committee shall elect either a chairperson and vice-chairperson or co-chairpersons;

The Public Health Advisory Committee shall establish its own operating rules and procedures and meeting schedule, provided that it shall meet at minimum of six (6) times each year to conduct its business.

E. Relationships between the Public Health Advisory Committee, City Council and the Department of Health & Family Support:

1. The City Council is the Board of Health and shall make final decisions regarding policy and programs of the Department of Health & Family Support. The Health & Human Services Committee shall review and decide upon Department of Health & Family Support matters prior to final action by the City Council.

2. The Public Health Advisory Committee shall be an advisory committee to the City Council and the Department of Health & Family Support.

3. The Department of Health & Family Support shall be responsible for providing staff assistance to the Public Health Advisory Committee in carrying out its advisory functions.

4. It shall be expected that in most situations the Department of Health & Family Support will consider and incorporate the Public Health Advisory Committee recommendations into its Department policy and program operations. In instances where the Department cannot consider or incorporate Public Health Advisory Committee recommendations appropriate staff leadership from the Department shall appear before the Public Health Advisory Committee to provide an explanation.

5. The Department of Health & Family Support staff shall present department business to the Health & Human Services Committee. Such staff presentations shall include an explanation of how such activities fit within the framework of the priorities as approved by the Public Health Advisory Committee.

6. While primary responsibility for presenting Public Health Advisory Committee views shall rest with the Department of Health & Family Support staff, the Public Health Advisory Committee may elect to designate its members to directly explain Public Health Advisory Committee views and positions to the Health & Human Services Committee.

Be It Further Resolved that this resolution shall supercede any and all prior resolutions or City Council actions related to the establishment, role, function, size, composition and organization of the Public Health Advisory Committee.

Adopted 8/5/05.

The **HEALTH & HUMAN SERVICES** and **WAYS & MEANS/BUDGET** Committees submitted the following reports:

**H&HS & W&M/Budget** - Your Committee, having under consideration the National Association of County and City Health Officials (NACCHO) grant *Linking Advanced Practice Centers*, to plan responses to potential threats to food, water and safety during a disaster or public health emergency, now recommends that the proper City Officers be authorized to execute a contract with Susan Kulstad, in the amount not to exceed \$60,000, to perform deliverables for the Minneapolis portion of the project during the term of the grant.

Adopted 8/5/05.

**H&HS & W&M/Budget** - Your Committee recommends that the proper City Officers be authorized to accept a grant award of \$7,500 and execute a grant agreement with the Minnesota Department of Health for the provision of lead safe housing during lead hazard reduction activities in the homes of children with lead poisoning.

Adopted 8/5/05.

**H&HS & W&M/Budget** - Your Committee, having been awarded a grant in 2003 for the Environmental Action for Children's Health Program, and having collaborated with the American Lung Association of Minnesota on their grant, Asthma in American Cities, now recommends that the proper City Officers be authorized to accept up to \$30,000 and execute an agreement with the American Lung Association of Minnesota for the provision of healthy homes inspections and recommendations.

Adopted 8/5/05.

The **INTERGOVERNMENTAL RELATIONS** Committee submitted the following reports:

**IGR** - Your Committee recommends passage of the accompanying resolution granting local approval to Laws of Minnesota 2005 First Special Session; Chapter 8; Article 11; Sections 1, 3, 9, 10, 11, 12, and 15, relating to the Minneapolis Police Relief Association, which amends various sections of law related to the amortization period, benefit levels, timing of trust status and concerning no reduction of properly paid retirement benefits.

Adopted 8/5/05. Yeas, 11; Nays, 2 as follows:

Yeas – Johnson, Colvin Roy, Zimmermann, Schiff, Zerby, Lilligren, Johnson Lee, Niziolek, Benson, Samuels, Ostrow.

Nays – Goodman, Lane.

Resolution 2005R-439, approving Laws of Minnesota 2005 First Special Session; Chapter 8; Article 11; Sections 1, 3, 9, 10, 11, 12, and 15, relating to the Minneapolis Police Relief Association, amending various sections of law related to the amortization period, benefit levels, timing of trust status and concerning no reduction of properly paid retirement benefits, was adopted 8/5/05 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

**RESOLUTION 2005R-439**

**By Benson**

**Approving Laws of Minnesota 2005 First Special Session; Chapter 8; Article 11; Sections 1, 3, 9, 10, 11, 12, and 15.**

Whereas, the Minnesota State Legislature has passed a law relating to the Minneapolis Police Relief Association, amending various sections of law related to the amortization period, benefit levels, timing of trust status and concerning no reduction of properly paid retirement benefits; and

Whereas, said law, by its terms, requires an affirmative vote of a majority of the members of the City Council before it may become effective;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That said law be now approved and the City Clerk be directed to prepare and file with the Secretary of State the required certification of approval.

Adopted 8/5/05. Yeas, 11; Nays, 2 as follows:

Yeas – Johnson, Colvin Roy, Zimmermann, Schiff, Zerby, Lilligren, Johnson Lee, Niziolek, Benson, Samuels, Ostrow.

Nays – Goodman, Lane.

**IGR** - Your Committee recommends passage of the accompanying resolution granting local approval to Laws of Minnesota 2005 First Special Session; Chapter 8; Article 11; Sections 13, 14 and 15 relating to the Minneapolis Firefighters' Relief Association, which amends various sections of law related to the service pension levels, disability benefits upon retirement and concerning no reduction of properly paid retirement benefits.

Adopted 8/5/05. Yeas, 12; Nays, 1 as follows:

Yeas – Johnson, Colvin Roy, Zimmermann, Schiff, Zerby, Lilligren, Johnson Lee, Niziolek, Benson, Goodman, Samuels, Ostrow.

Nays – Lane.

Resolution 2005R-440, approving Laws of Minnesota 2005 First Special Session; Chapter 8; Article 11; Sections 13, 14 and 15 relating to the Minneapolis Firefighters' Relief Association, amending various sections of law related to the service pension levels, disability benefits upon retirement and concerning no reduction of properly paid retirement benefits, was adopted 8/5/05 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

**RESOLUTION 2005R-440**

**By Benson**

**Approving Laws of Minnesota 2005 First Special Session; Chapter 8; Article 11; Sections 13, 14 and 15.**

Whereas, the Minnesota State Legislature has passed a law relating to the Minneapolis Firefighters' Relief Association, amending various sections of law related to the service pension levels, disability benefits upon retirement and concerning no reduction of properly paid retirement benefits; and

Whereas, said law, by its terms, requires an affirmative vote of a majority of the members of the City Council before it may become effective;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That said law be now approved and the City Clerk be directed to prepare and file with the Secretary of State the required certification of approval.

Adopted 8/5/05. Yeas, 12; Nays, 1 as follows:

Yeas – Johnson, Colvin Roy, Zimmermann, Schiff, Zerby, Lilligren, Johnson Lee, Niziolek, Benson, Goodman, Samuels, Ostrow.

Nays – Lane.

**IGR** – Your Committee, having under consideration the draft Environmental Assessment for expanded passenger handling facilities at the MSP airport terminal, now recommends approval of the City's comments as set forth in Petn No 270564, and that the proper City officers be authorized to submit said comments to the Metropolitan Airports Commission.

Adopted 8/5/05.

The **PUBLIC SAFETY & REGULATORY SERVICES** Committee submitted the following reports:

**PS&RS** - Your Committee, to whom was referred an ordinance amending Title 12, Chapter 244 of the Minneapolis Code of Ordinances relating to *Housing: Maintenance Code, Article XVI Rental Dwelling Licenses*, increasing the annual license fee for the first dwelling unit, now recommends that said ordinance be given its second reading for amendment and passage.

Adopted 8/5/05.

Ordinance 2005-Or-063 amending Title 12, Chapter 244 of the Minneapolis Code of Ordinances relating to *Housing: Maintenance Code, Article XVI Rental Dwelling Licenses*, amending Section 244.1880 to increase the annual license fee for the first dwelling unit, was adopted 8/5/05 by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

**ORDINANCE 2005-Or-063**  
**By Niziolek**  
**Intro & 1st Reading: 7/1/05**  
**Ref to: PS&RS**  
**2nd Reading: 8/5/05**

**Amending Title 12, Chapter 244 of the Minneapolis Code of Ordinances relating to Housing: Maintenance Code, Article XVI Rental Dwelling Licenses.**

The City Council of The City of Minneapolis do ordain as follows:

Section 1. That Section 244.1880 of the above-entitled ordinance be amended to read as follows:

**244.1880. License fees.** (a) The annual license fee for a rental dwelling license or provisional license is ~~thirty-six~~ thirty-nine dollars (~~\$36.00~~) (\$39.00) for the first dwelling unit and twenty dollars (\$20.00) for each additional dwelling unit under common ownership in the same building. A change in ownership shall require a new license application and payment of the license fee. An increase in the number of licensed dwelling units during the license year shall require an amended license application and the payment of an additional license fee to cover the additional units.

(b) The annual license fee shall be increased by fifty (50) percent when more than fifteen (15) calendar days late. Late applicants shall not be entitled to prorated license fees. After December 31<sup>st</sup> of the license year, renewal of an expired license shall require the payment of the administrative fee set forth in (d) instead of the fee set forth in this paragraph.

(c) License fees shall be prorated as follows:

Issued during first half of license year . . . . . Full fee

Issued during second half of license year . . . 1/2 fee

(d) Operation of an unlicensed dwelling unit shall be subject to an additional administrative fee of two hundred and fifty dollars (\$250.00) for the first dwelling unit, and twenty dollars (\$20.00) for each additional dwelling unit under common ownership in the same building. This fee shall be in addition to any other appropriate enforcement action or fees due.

Adopted 8/5/05.

**PS&RS -** Your Committee, to whom was referred an ordinance amending Title 13, Chapter 319 of the Minneapolis Code of Ordinances relating to *Licenses and Business Regulations: Open Air Motor Vehicle Parking Lots*, removing the sunset provision of September 12, 2005 for the expanded tailgate area, now recommends that said ordinance be given its second reading for amendment and passage.

Adopted 8/5/05.

Ordinance 2005-Or-064 amending Title 13, Chapter 319 the Minneapolis Code of Ordinances relating to *Licenses and Business Regulations: Open Air Motor Vehicle Parking Lots*, amending Section 319.310 to remove the sunset provision of September 12, 2005 for the expanded tailgate area, was adopted 8/5/05 by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

**ORDINANCE 2005-Or-064**  
**By Zerby**  
**Intro & 1st Reading: 7/1/05**  
**Ref to: PS&RS**  
**2nd Reading: 8/5/05**

**Amending Title 13, Chapter 319 of the Minneapolis Code of Ordinances relating to Licenses and Business Regulations: Open Air Motor Vehicle Parking Lots.**

The City Council of The City of Minneapolis do ordain as follows:

Section 1. That Section 319.310 of the above-entitled ordinance be amended to read as follows:

**319.310. Prohibited acts.** (a) The licensee of a parking lot shall not permit the repairing except in an emergency, dismantling or wrecking of any motor vehicle or the storage of any junk motor vehicle on the parking lot.

(b) No person shall charge, or offer to charge, a fee for parking on any property other than a validly licensed commercial parking lot.

(c) No licensee of a parking lot, nor an agent or employee of a licensee, shall encourage, knowingly allow or knowingly permit the possession or consumption of intoxicating liquor or 3.2 percent malt liquor, as defined by Minnesota Statutes, Section 340A.101, by any person on the licensed premises except where such possession or consumption has been expressly permitted by license or permit granted under Title 13 or Title 14. This prohibition shall not apply to parking lots located within an area defined as one commencing at the southwesterly bank of the Mississippi River where said riverbank is intersected by the centerline of 4th Avenue South, extended; thence southwesterly along the centerline of 4th Avenue South to the centerline of 6th Street South; thence southeasterly along the centerline of 6th Street South to the centerline of 11th Avenue South; thence northeasterly along the centerline of 11th Avenue South, extended to the southwesterly bank of the Mississippi River, thence northwesterly along said riverbank to the point of beginning, and commencing at the centerline of 7th Street North, thence northwesterly to the centerline of Hoag Avenue, thence northerly along the centerline of Hoag Avenue to the centerline of 6th Avenue North, thence easterly along the centerline of 6th Avenue North to the centerline of 5th Street North, thence southeasterly along the centerline of 5th Street North to the centerline of 3rd Avenue North, thence southwesterly along the centerline of 3rd Avenue North to the centerline of 7th Street North. ~~This amendment shall expire on September 12, 2005.~~

Adopted 8/5/05.

**PS&RS** - Your Committee, having under consideration the application of Matador Coffee Inc, dba Bad Waitress Breakfast Joint & Coffee Shop, 2 E 26th St, for an On-Sale Wine Class E with Strong Beer License (new business) to expire April 1, 2006, and a Sidewalk Cafe License (new business) to expire April 1, 2006, and having held a public hearing thereon, now recommends that said licenses be granted, subject to final inspection and compliance with all provisions of applicable codes and ordinances.

Adopted 8/5/05.

**PS&RS** - Your Committee, to whom was referred back on July 1, 2005 a report relating to the application of Raising the Bar LLC, dba Zeno Cafe, 800 LaSalle Av, for an On-Sale Liquor Class C-1 with Sunday Sales License (sidewalk cafe expansion) to expire April 1, 2006, and a Sidewalk Cafe License (new business) to expire April 1, 2006, and having held a public hearing thereon, now recommends that said licenses be granted, subject to final inspection and compliance with all provisions of applicable codes and ordinances.

Adopted 8/5/05.

**PS&RS** - Your Committee, having under consideration the application of Market Bar-B-Que Inc, dba Market Bar-B-Que, 1414 Nicollet Av, for an On-Sale Liquor Class E with Sunday Sales License (regular expansion of premises to allow outdoor area on private property at rear of building) to expire April 1, 2006, and having held a public hearing thereon, now recommends that said license be granted, subject to final inspection and compliance with all provisions of applicable codes and ordinances.

Adopted 8/5/05.

**PS&RS** - Your Committee, to whom was referred back on July 1, 2005 a report relating to the application of Thind Family LLC, dba Camden Liquors, 4153 Lyndale Av N, for an Off-Sale Liquor License (change in ownership), now recommends passage of the accompanying Resolution granting the application, subject to conditions.

Adopted 8/5/05.

Resolution 2005R-441, granting the application of Camden Liquors, 4153 Lyndale Av N, for an Off-Sale Liquor License (change in ownership), subject to conditions, was adopted 8/5/05 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

**RESOLUTION 2005R-441**

**By Niziolek**

**Granting the application of Camden Liquors, 4153 Lyndale Av N, for an Off-Sale Liquor License (change in ownership), subject to conditions.**

Resolved by The City Council of The City of Minneapolis:

That it grants the application submitted by Thind Family LLC, dba Camden Liquors, 4153 Lyndale Av N, for an Off-Sale Liquor License (change in ownership) to expire October 1, 2005, subject to the following conditions:

- a. that no sales of single bottles or cans, 18-ounces or less, of beer/malt liquor will occur.
- b. that sales of inexpensive fortified wines in half-pint or pint (or their metric equivalent) will not occur.
- c. change in excess of \$3 will not be accepted for any beverage alcohol purchase.

Adopted 8/5/05.

**PS&RS** - Your Committee, having under consideration the application of Fikree A Rashid, dba Fikree Ice Cream, 3201 Girard Av N, for renewal of a Mobile Food Vendor License to expire April 1, 2006, and having held a license hearing thereon, now recommends that said license application be denied.

Adopted 8/5/05.

**PS&RS** - Your Committee, having under consideration the On-Sale Liquor Class B with Sunday Sales License held by Margarita Bella Inc, dba Margarita Bella, 1032 3rd Av NE, and having received notification from the State of Minnesota Department of Revenue that Margarita Bella has an outstanding tax liability, now recommends that said license be revoked, and the licensee immediately discontinue business within the City of Minneapolis until a tax clearance certificate is obtained from the State.

Adopted 8/5/05.

**PS&RS** - Your Committee recommends adoption of the accompanying Resolution granting applications for Liquor, Wine and Beer Licenses.

Adopted 8/5/05.

Resolution 2005R-442, granting applications for Liquor, Wine and Beer Licenses, was adopted 8/5/05 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

**RESOLUTION 2005R-442**

**By Niziolek**

**Granting Liquor, Wine and Beer Licenses.**

Resolved by The City Council of The City of Minneapolis:

That the following applications for liquor, wine and beer licenses be granted, subject to final inspection and compliance with all provisions of applicable codes and ordinances:

**Off-Sale Liquor, to expire October 1, 2005**

Camden Liquors Inc, dba Camden Liquors, 4153 Lyndale Av N (new manager)



**On-Sale Liquor Class A with Sunday Sales, to expire January 1, 2006**

T H S Hotel Operations Inc, dba Crowne Plaza Northstar Hotel, 618 2nd Av S (new corporate officer)  
Loring Park Assoc Ltd Partners, dba Hyatt Regency Hotel, 1300 Nicollet Mall

**On-Sale Liquor Class A with Sunday Sales, to expire April 1, 2006**

Mpls Society of Fine Arts, dba Artscafe, 2400 3rd Av S

**On-Sale Liquor Class A with Sunday Sales, to expire July 9, 2005**

Food and Drink Inc, dba Bar Fly, 711 Hennepin Av (temporary expansion of premises, July 9, 2005,  
8:00 p.m. to 2:00 a.m.)

**On-Sale Liquor Class A with Sunday Sales, to expire July 22, 2005**

Food and Drink Inc, dba Bar Fly, 711 Hennepin Av (temporary expansion of premises, July 22, 2005,  
9:00 p.m. to 2:00 a.m.)

**On-Sale Liquor Class A with Sunday Sales, to expire July 1, 2006**

Minnesota Historical Society, dba Mill City Museum, 704 S 2nd St

Varsity Arts, LLC, dba Varsity Theater, 1308 4th St SE

Midwest Latino Entertainment & Talent, dba El Nuevo & La Quebradita Restaurant, 2709 E Lake  
St

**On-Sale Liquor Class A with Sunday Sales, to expire August 7, 2005**

Minnesota Orchestra Association, dba 2005 Sommerfest, 111 Nicollet Mall (temporary expansion  
of premises, July 16, 17, 19, 21, 22, 23, 24, 29, 30 & 31, 2005, and August 2, 4, 5, 6 & 7, 2005 at Peavey  
Plaza)

Old Chicago of Colorado Inc, dba Old Chicago, 2841 Hennepin Av (temporary expansion of premises  
with entertainment, August 5, 6 & 7, 2005 in parking lot)

**On-Sale Liquor Class B with Sunday Sales, to expire July 4, 2005**

River Jakes Inc, dba Nye's Polonaise Room, 112 E Hennepin (temporary expansion of premises with  
outdoor entertainment, July 3, 2005, 5:00 p.m. to 10:00 p.m. and  
July 4, 2005, 6:00 p.m. to 11:00 p.m.)

**On-Sale Liquor Class B with Sunday Sales, to expire July 23, 2005**

Haze 2 Corp, dba Grumpy's Bar, 2200 4th St NE (temporary expansion of premises with outdoor  
entertainment, July 23, 2005, 1:00 p.m. to 9:00 p.m. for Grumpy's Folk Fest)

Shaw's Bar & Grill Inc, dba Shaw's Bar & Grill, 1528 University Av NE (temporary expansion of  
premises, July 23, 2005, 11:00 a.m. to 8:00 p.m. for 6th annual car show)

**On-Sale Liquor Class B with Sunday Sales, to expire July 31, 2005**

Junction Operations LLC, dba Whiskey Junction, 901 Cedar Av S (temporary expansion of  
premises, July 30 & 31, 2005, 6:00 p.m. to 10:00 p.m.)

**On-Sale Liquor Class B with Sunday Sales, to expire August 5, 2005**

Junction Operations LLC, dba Whiskey Junction, 901 Cedar Av S (temporary expansion of  
premises, August 5, 2005, 2:00 p.m. to 7:00 p.m. between the Joint & Whiskey Junction)

**On-Sale Liquor Class B with Sunday Sales, to expire July 1, 2006**

Hard Rock Cafe International (USA) Inc, dba Hard Rock Cafe, 600 Hennepin Av #100

One Eyed Dog Ltd, dba Triple Rock, 629 Cedar Av S

WJ&M Inc, dba Corner Bar (The), 1501 Washington Av S

**On-Sale Liquor Class C-1 with Sunday Sales, to expire April 1, 2006**

K & K Hospitality LLC, dba Erte, 1304 University Av NE

**On-Sale Liquor Class C-1 with Sunday Sales, to expire July 1, 2006**

Little Wagon Co Inc, dba Little Wagon, 418 S 4th St

D'Amico Catering LLC, dba Cafe Lurcat/Bar Lurcat, 1624 Harmon Pl

N A D LLC, dba Leaning Tower of Pizza, 2501 University Av SE

**On-Sale Liquor Class C-2 with Sunday Sales, to expire April 1, 2006**

Machu Picchu Inc, dba Machu Picchu Inc, 2940 Lyndale Av S

**On-Sale Liquor Class C-2 with Sunday Sales, to expire July 1, 2006**

Jewell One Inc, dba Little Jacks, 201 Lowry Av NE

Hubert's Inc, dba Huberts Bar & Grill, 601 Chicago Av

**On-Sale Liquor Class D with Sunday Sales, to expire July 1, 2006**

Holper-Wall Enterprises Inc, dba Triple Espresso Etc, 1410 Nicollet Av

**On-Sale Liquor Class E with Sunday Sales, to expire August 6, 2005**

Cedar Point Inc, dba Palmer's Bar, 500 Cedar Av S (temporary expansion of premises with outdoor entertainment, August 6, 2005, 10:00 a.m. to 2:00 a.m.)

**On-Sale Liquor Class E with Sunday Sales, to expire July 1, 2006**

Saunders Dining Inc, dba Fugaise, 308 E Hennepin Av (new business)

Complete Beverage Service Inc, dba J J's Dry Dock Cafe, 401 3rd St N

Cuzzy's Inc, dba Cuzzy's Grill & Bar, 507 Washington Av N

510 Groveland Assoc, MN Cooperative, dba 510 Restaurant, 510 Groveland Av

Parker Investments Inc, dba Northeast Yacht Club, 801 Marshall St NE

Thao Brothers LLC, dba Sushi Tango, 3001 Hennepin Av

**On-Sale Liquor Class E with Sunday Sales, to expire August 11, 2005**

Restaurants Unlimited Inc, dba Palomino, 825 E Hennepin Av (temporary expansion of premises, August 11, 2005, 3:30 p.m. to 9:00 p.m.)

**Temporary On-Sale Liquor**

Minneapolis Downtown Council, dba Aquatennial Block Party, 81 S 9th St #260

(July 15, 2005, 5:00 p.m. to 11:30 p.m., Washington Av, from Hennepin Av to 3rd Av including the side streets; Licensed Facilitator: The Local)

**On-Sale Wine Class D with Strong Beer, to expire July 23, 2005**

Maria's Cafe Inc, dba Maria's Cafe, 1113 E Franklin Av (temporary expansion of premises with outdoor entertainment, July 23, 2005, 3:00 p.m. to 9:00 p.m.)

**On-Sale Wine Class D with Strong Beer, to expire April 1, 2006**

Ecua-Mex Inc, dba Angel's Pizza, 805 E 38th St (new manager)

El Norteno Market & Deli, dba El Norteno Market & Deli, 4000 E Lake St

**On-Sale Wine Class E with Strong Beer, to expire April 1, 2006**

Boughatsa Inc, dba Gardens of Salonica New Greek Cafe, 19 5th St NE

Totino's Italian Kitchen Corp, dba Totinos Italian Kitchen, 523 Central Av NE

Lotus Restaurant Inc, dba Lotus Restaurant Uptown, 3037 Hennepin Av

Tee & Lee Enterprises Inc, dba Singapore Restaurant, 5554 34th Av S

**On-Sale Beer Class E, to expire April 1, 2006**

Minneapolis Park & Recreation Board, dba Hiawatha Golf Course, 4553 Longfellow Av.

Adopted 8/5/05.

**PS&RS** - Your Committee recommends adoption of the accompanying Resolution granting applications for Business Licenses.

Adopted 8/5/05.

Resolution 2005R-443, granting applications for Business Licenses, was adopted 8/5/05 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

**RESOLUTION 2005R-443**

**By Niziolek**

**Granting applications for Business Licenses.**

Resolved by The City Council of The City of Minneapolis:

That the following applications for business licenses (including provisional licenses) as per list on file and of record in the Office of the City Clerk under date of August 5, 2005 be granted, subject to final inspection and compliance with all provisions of the applicable codes and ordinances (Petn No 270572):

Dancing School; Dry Cleaner - Flammable; Dry Cleaner - Nonflammable; Fire Extinguisher Servicing Class A; All Night Special Food; Confectionery; Food Market Distributor; Grocery; Indoor Food Cart;

Food Manufacturer; Meat Market; Restaurant; Food Shelf; Short-Term Food Permit; Seasonal Short Term Food; Sidewalk Cafe; Vending Machine; Heating, Air Conditioning & Ventilating Class A; Motor Vehicle Dealer Auctioneer; Motor Vehicle Dealer - Cycles & Motorbikes; Motor Vehicle Dealer - New & Used; Motor Vehicle Dealer - Used Only; Motor Vehicle Dealer - Additional Lot; Motor Vehicle Dealer Wholesaler; Peddler - Special Religious; Pet Shop; Precious Metal Dealer; Residential Specialty Contractor; Secondhand Goods Class A; Secondhand Goods Class B; Antique Dealer Class B; Antique Mall Operator Class B; Sign Hanger; Suntanning Facility; Swimming Pool - Public; Tattooist/Body Piercer; Tobacco Dealer; Combined Trades; Tree Servicing; and Valet Parking.

Adopted 8/5/05.

**PS&RS** - Your Committee recommends adoption of the accompanying Resolution granting applications for Gambling Licenses.

Adopted 8/5/05.

Resolution 2005R-444, granting applications for Gambling Licenses, was adopted 8/5/05 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

**RESOLUTION 2005R-444**

**By Niziolek**

**Granting applications for Gambling Licenses.**

Resolved by The City Council of The City of Minneapolis:

That the following applications for gambling licenses be granted, subject to final inspection and compliance with all provisions of applicable codes and ordinances:

**Gambling Lawful Exempt**

Church of All Saints, dba Church of All Saints, 435 4th St NE (Bingo, Raffle, Paddlewheel & Pulltabs September 11, 2005)

Allina Health System, dba Abbott Northwestern Hospital-PA, 710 E 24th St (Bingo & Raffle September 17, 2005 at San Miguel Middle School of Minneapolis, 3800 Pleasant Av S)

Helping Paws Inc, dba Helping Paws Inc, 11 7th Av N, Hopkins (Raffle September 27, 2005 at Minneapolis Community Tech College, 121 Hennepin Av)

Free Arts for Abused Children of Minnesota, dba Free Arts for Abused Children of Minnesota, 112 N 3rd St (Raffle September 30, 2005 at International Market Square, 275 Market St)

Holy Rosary Church, dba Holy Rosary Church, 2424 18th Av S (Raffle & Paddlewheel October 2, 2005)

Church of the Holy Name, dba Church of the Holy Name, 3637 11th Av (Bingo, Raffle & Pulltabs October 9, 2005)

St John the Baptist Byzantine Catholic Church, dba St. John the Baptist Byzantine Catholic Church, 2215 3rd St NE (Bingo, Raffle, Paddlewheel & Pulltabs October 16, 2005)

Hellenic Post No 129, American Legion, dba Hellenic Post No 129, 2727 26th Av S (Raffle September 11, 2005 at St. Mary's Greek Orthodox Church, 3450 Irving Av S)

Church of the Holy Cross, dba Church of the Holy Cross, 1621 University Av NE (Bingo, Raffle & Pulltabs November 13, 2005).

Adopted 8/5/05.

**PS&RS** - Your Committee recommends passage of the accompanying Resolution rescinding Resolution 2005R-080 entitled "approving Technical Advisory Committee recommendations relating to the On-Sale Liquor Class E with Sunday Sales License held by City Billiards, 25 4th St N", passed February 11, 2005, due to the Resolution being a duplicate TAC Agreement passed by the City Council on October 8, 2004.

Adopted 8/5/05.

**RESOLUTION 2005R-445**

**By Niziolek**

**Rescinding Resolution 2005R-080 entitled "approving Technical Advisory Committee recommendations relating to the On-Sale Liquor Class E with Sunday Sales License held by City Billiards, 25 4th St N", passed February 11, 2005.**

Resolved by The City Council of The City of Minneapolis:  
That the above-entitled Resolution be and is hereby rescinded.  
Adopted 8/5/05.

**PS&RS** - Your Committee recommends passage of the accompanying Resolution approving Technical Advisory Committee recommendations relating to the On-Sale Wine Class E with Strong Beer License held by Carne Asada Fresh Mexican Grill, 809 E Lake St.  
Adopted 8/5/05.

Resolution 2005R-446, approving Technical Advisory Committee recommendations relating to the On-Sale Wine Class E with Strong Beer License held by Carne Asada Fresh Mexican Grill, 809 E Lake St, was adopted 8/5/05 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

**RESOLUTION 2005R-446**

**By Niziolek**

**Approving Technical Advisory Committee recommendations relating to the On-Sale Wine Class E with Strong Beer License held by Carne Asada Fresh Mexican Grill, 809 E Lake St.**

Whereas, a Technical Advisory Committee hearing was held on July 20, 2005 with the licensee to discuss issues related to the operation of the licensed beverage establishment, Carne Asada Fresh Mexican Grill; and

Whereas, the Public Safety & Regulatory Services Committee received Findings of Fact, Conclusions and Recommendations as a result of the licensee violating the Minneapolis Code of Ordinances by serving beer to persons under the age of 21 on four separate occasions in a period of less than six months;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the On-Sale Wine Class E with Strong Beer License issued to Carne Asada be revoked, to be stayed through January 7, 2007, subject to the following conditions, as more fully set forth in said Findings on file in the Office of the City Clerk which are hereby made a part of this report by reference:

- a. the licensee will not serve alcoholic beverages until January 1, 2006.
- b. the licensee shall pay administrative fines in the total amount of \$6,229.79 over a period of 16 months. Carne Asada will be required to pay \$389.37 by the 15th of each month, with the first payment being due on September 15, 2005 and the last payment due December 15, 2006. Tardiness in making the monthly installments will constitute a violation of the TAC Agreement, and the stayed revocation will be imposed. In the event of unforeseen circumstances, the City will allow payment to be made by the 15th of the following month, provided that the licensee gives seven days notice to the Minneapolis Police License Investigation Division, and the licensee makes the subsequent month's payment in a timely manner. Such a waiver must be approved by the Commander of the Minneapolis Police License Investigation Division.
- c. the licensee will create a management plan that requires a manager or owner to be present at the establishment during all times of alcohol sales. Said manager or owner will be knowledgeable in City Ordinances and State Statutes regulating the service of alcohol, along with the policies of Carne Asada regarding alcohol service. This plan will also contain an action plan for any employee found to

be in violation of City Ordinances, State Statutes or Carne Asada policies regarding the service of alcohol. The action plan will include any corrective actions, including dismissal. Carne Asada will notify Licenses & Consumer Services or the Minneapolis Police Licenses Investigation Division of any changes to the management team or management plan. Carne Asada will have this management plan in place prior to resuming alcohol sales, and will remain in place during any period of time in which alcohol is sold.

d. the licensee will abide by a July 20, 2005 plan (See Appendix B of the TAC Agreement), which includes the following:

1. Carne Asada will install a "sophisticated software program" that will verify customer's identification prior to any alcohol sale.
2. Carne Asada will have mandatory alcohol server training for its employees.
3. All employees will be given written instructions in English and Spanish explaining procedures of alcohol sales.
4. Signage will be placed in the restaurant regarding alcohol sales.
5. Management will have weekly meetings with employees regarding alcohol service rules.

e. Carne Asada agrees that they will not violate Section 370.10 of the Minneapolis Code of Ordinances and Minnesota Statutes Section 340A.503, subd 2(1) by serving alcohol to persons under the age of 21.

f. any violations of the TAC Agreement prior to January 7, 2007 will result in the imposition of the stayed revocation or in the immediate surrendering of Carne Asada's Wine and Strong Beer License for a period of five years.

g. this TAC Agreement shall not preclude any other adverse license action, including but not limited to suspension or revocation, for subsequent violations of the Agreement, or any federal, state or local laws, ordinances or regulations.

Adopted 8/5/05.

**PS&RS** - Your Committee, having under consideration the composition of the Citizen Environmental Advisory Committee (CEAC), and the Environmental Coordinating Team (ECT), now recommends passage of the accompanying Resolutions:

a. amending Resolution 94R-190 entitled "Reconstituting the Environmental Coordinating Team (ECT)", passed July 15, 1994, to add two new voting members from the City Attorney's Office and the Fire Department.

b. amending Resolution 90R-142 entitled "creating the Minneapolis Environmental Commission (MEC), a permanent advisory body to serve as the environmental conscience of the City of Minneapolis", passed April 13, 1990, to change all references to Minneapolis Community Development Agency (MCDA) and replacing with Community Planning and Economic Development Agency (CPED).

Adopted 8/5/05.

Resolution 2005R-447, amending Resolution 94R-190 entitled "Reconstituting the Environmental Coordinating Team (ECT)", passed July 15, 1994, was adopted 8/5/05 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

**RESOLUTION 2005R-447**

**By Niziolek**

**Amending Resolution 94R-190 entitled "Reconstituting the Environmental Coordinating Team (ECT)", passed July 15, 1994.**

Be It Resolved by The City Council of The City of Minneapolis:

That the above-entitled Resolution be amended by reconstituting the Environmental Coordinating Team (ECT), to be comprised of the following representatives:

- a. Director of Community Planning and Economic Development (CPED), or designated representative
- b. Director of Public Works, or designated representative

- c. Superintendent of Minneapolis Parks and Recreation Board, or designated representative
- d. Director of Regulatory Services, or designated representative
- e. Commissioner of Health, Department of Health & Family Support, or designated representative
- f. a representative of the City Attorney's Office
- g. a representative of the Fire Department.

Adopted 8/5/05.

Resolution 2005R-448, amending Resolution 90R-142 entitled "creating the Minneapolis Environmental Commission (MEC), a permanent advisory body to serve as the environmental conscience of the City of Minneapolis", passed April 13, 1990, was adopted 8/5/05 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

**RESOLUTION 2005R-448**

**By Niziolek**

**Amending Resolution 90R-142 entitled "creating the Minneapolis Environmental Commission (MEC), a permanent advisory body to serve as the environmental conscience of the City of Minneapolis", passed April 13, 1990.**

Be It Resolved by The City Council of The City of Minneapolis:

Whereas, the Minneapolis Environmental Commission was renamed the Citizen Environmental Advisory Committee (CEAC) on July 1, 1994;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the above-entitled Resolution be amended by changing all references to "Minneapolis Community Development Agency" and replacing with "Community Planning and Economic Development Agency (CPED)".

Adopted 8/5/05.

**PS&RS** - Your Committee, having under consideration the following properties which have been deemed by the Director of Inspections to constitute nuisance conditions within the meaning of Chapter 249 of the Minneapolis Code of Ordinances, now recommends that the proper City officers be authorized to demolish the following properties, as more fully set forth in the Findings of Fact, Conclusions and Recommendations which are on file in the Office of the City Clerk and made a part of this report by reference.

a. 3014 Emerson Av N, legally described as Lot 17, Block 9, Silver Lake Addition to Minneapolis (PID #09-029-24-42-0018).

b. 418 Logan Av N, legally described as Lot 17, Block 9, Maben, White and Le Bron's Addition to Minneapolis (PID #21-029-24-31-0044).

c. 3219 Lyndale Av N, legally described as Lot 2, Block 41, Bakers 4th Addition to Minneapolis (PID #09-029-24-14-0200).

d. 3911 Fremont Av N, legally described as Lot 13, Block 1, L P Creviers Addition to Minneapolis (PID #04-029-24-42-0123).

Adopted 8/5/05.

**PS&RS** - Your Committee, having under consideration a proposed plan for review of the City's Regulatory Framework, now recommends the following:

a. concurrence in the proposed five-year plan (Petn No 270567) to review the City's regulatory code and its priorities.

b. approval of the following principles -- that the City's regulatory process should be streamlined as much as possible; that the City's Regulatory Code should be customer friendly and empower the users of City services; that obsolete provisions in the Code should be repealed; and that inconsistent and/or contradictory Code provisions should be reconciled.

c. that the Department of Regulatory Services be designated as the lead department for implementation of the plan.

d. that all City departments be directed to include the initiative in its revised business plans.

e. that the Department of Regulatory Services be authorized to convene, as necessary, cross-department work teams to implement the plan.

Adopted 8/5/05.

The **PUBLIC SAFETY & REGULATORY SERVICES** and **WAYS & MEANS/BUDGET** Committees submitted the following reports:

**PS&RS & W&M/Budget** - Your Committee recommends that the proper City Officers be authorized to accept the donation of a treadmill, valued at \$1,000, from Lifetime Fitness for use in the Police Department's 4th Precinct Work Out Room.

Adopted 8/5/05.

**PS&RS & W&M/Budget** - Your Committee recommends passage of the accompanying Resolution appropriating \$6,033.52 to the Fire Department to reflect funds received from the Labor Relations Division for costs associated with the Fire Department's labor management initiatives.

Adopted 8/5/05.

#### **RESOLUTION 2005R-449**

**By Niziolek and Johnson**

#### **Amending The 2005 General Appropriation Resolution.**

Resolved by The City Council of The City of Minneapolis:

That the above-entitled Resolution, as amended, be further amended by increasing the appropriation for the Fire Department Agency in the Grants - Other Fund (060-280-2820) by \$6,033.52 and increasing the Revenue Source (060-280-2820 - Source 3720) by \$6,033.52.

Adopted 8/5/05.

**PS&RS & W&M/Budget** - Your Committee recommends acceptance of the low responsive bid received on OP #6473 (Petn No 270577) submitted by Rescue Vehicles of Iowa, Inc, in the amount of \$290,534, for furnishing and delivering a mobile response vehicle to the Minneapolis Fire Department, all in accordance with City specification, and contingent on approval by the Civil Rights Department.

Adopted 8/5/05.

The **TRANSPORTATION & PUBLIC WORKS** Committee submitted the following reports:

**T&PW** - Your Committee recommends that the proper City officers be authorized to enter into an agreement with Nextel reimbursing the City of Minneapolis for expenses associated with work performed by City staff in order to reconfigure the City's two 800 MHz band systems.

Adopted 8/5/05.

**T&PW** - Your Committee, having under consideration a request from residents of the 4600 and 4700 blocks of Abbott, Beard, Chowen, and Drew Avenues S for the establishment of a "Type B" Critical Traffic and Parking Area, as set forth in Petn. No. 270580, the City Clerk having verified that the petitions submitted represent more than 75 percent of the residents of the affected properties, and the City having determined that the findings are met thereby meeting the requirements for a Critical Parking Area, now recommends passage of the accompanying ordinance amending Title 18, Chapter 478 of the Minneapolis Code of Ordinances relating to *Traffic Code: Parking, Stopping and Standing*, establishing Critical Parking Area No. 11, No Parking, Except by Permit, from 6 am to 9 pm, School Days.

Colvin Roy moved to substitute the following report for the above report. Seconded.

Adopted upon a voice vote.

**T&PW** - Your Committee, having under consideration a request from residents of the 4600 and 4700 blocks of Abbott, Beard, Chowen, and Drew Avenues S for the modification of a "Type B" Critical Traffic and Parking Area, as set forth in Petn No 270580, the City Clerk having verified that the petitions submitted represent more than 75 percent of the residents of the affected properties, and the City having determined that the findings are met thereby meeting the requirements for a Critical Parking Area, now recommends passage of the accompanying ordinance amending Title 18, Chapter 478 of the Minneapolis Code of Ordinances relating to *Traffic Code: Parking, Stopping and Standing*, modifying Critical Parking Area No. 11, No Parking, Except by Permit, 6 am to 9 pm, School Days.

Your Committee further recommends passage of the accompanying ordinance repealing various obsolete zones contained within the Critical Parking Area.

Adopted 8/5/05.

Ordinance 2005-Or-065 amending Title 18, Chapter 478 of the Minneapolis Code of Ordinances establishing Critical Parking Area No. 11, was adopted 8/5/05 by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

**ORDINANCE 2005-Or-065**  
**By Colvin Roy**  
**1st & 2nd Readings: 8/5/05**

**Amending Title 18, Chapter 478 of the Minneapolis Code of Ordinances relating to *Traffic Code: Parking, Stopping and Standing*.**

The City Council of The City of Minneapolis do ordain as follows:

Section 1. That Section 478.730 of the above-entitled ordinance be amended by adding thereto the following Loading Zones:

No. 3532 – Ely side of Abbott Av S between 46<sup>th</sup> St W and 47<sup>th</sup> St W (Critical Parking Area # 11) (No Parking, Except by Permit, 6 am to 9 pm, School Days);

No. 3533 – Ely side of Abbott Av S between 47<sup>th</sup> St W and 48<sup>th</sup> St W (Critical Parking Area # 11) (No Parking, Except by Permit, 6 am to 9 pm, School Days);

No. 3534 – Ely side of Beard Av S between 46<sup>th</sup> St W and the dead end southerly (Critical Parking Area # 11) (No Parking, Except by Permit, 6 am to 9 pm, School Days);

No. 3535 – Wly side of Beard Av S between 47<sup>th</sup> St W and 48<sup>th</sup> St W (Critical Parking Area # 11) (No Parking, Except by Permit, 6 am to 9 pm, School Days);

No. 3536 – Wly side of Chowen Av S between 46<sup>th</sup> St W and 47<sup>th</sup> St W (Critical Parking Area # 11) (No Parking, Except by Permit, 6 am to 9 pm, School Days);

No. 3537 – Wly side of Chowen Av S between 47<sup>th</sup> St W and 48<sup>th</sup> St W (Critical Parking Area # 11) (No Parking, Except by Permit, 6 am to 9 pm, School Days);

No. 3538 – Wly side of Drew Av S between 46<sup>th</sup> St W and 47<sup>th</sup> St W (Critical Parking Area # 11) (No Parking, Except by Permit, 6 am to 9 pm, School Days); and

No. 3539 – Wly side of Drew Av S between 47<sup>th</sup> St W and 48<sup>th</sup> St W (Critical Parking Area # 11) (No Parking, Except by Permit, 6 am to 9 pm, School Days).

Adopted 8/5/05.

Ordinance 2005-Or-066 repealing a portion of Title 18, Chapter 478 of the Minneapolis Code of Ordinances, was adopted 8/5/05 by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.



The following is the complete text of the unpublished summarized ordinance.

**ORDINANCE 2005-Or-066**  
**By Colvin Roy**  
**1st & 2nd Readings: 8/5/05**

**Repealing a portion of Title 18, Chapter 478 of the Minneapolis Code of Ordinances relating to Traffic Code: *Parking, Stopping and Standing.***

The City Council of The City of Minneapolis do ordain as follows:

Section 1. That the following No Parking zones contained in Section 478.730 of the above-entitled ordinance be repealed:

No. 6653 – Ely side of Beard Av S between 46<sup>th</sup> St W and the dead end southerly (No Parking, 7 am - 9 pm, Monday - Friday, Except by Permit);

No. 3323 – Wly side of Beard Av S between 47<sup>th</sup> St W and 48<sup>th</sup> St W (No Parking 9 am to 4 pm, School Days);

No. 3484 – Ely side of Chowen Av S between 47<sup>th</sup> St W and 48<sup>th</sup> St W (No Parking, 9 am to 4 pm, School Days);

No. 6486 – Wly side of Chowen Av S between 46<sup>th</sup> St W and 47<sup>th</sup> St W (No Parking, 7 am to 9 pm, Monday – Friday, Except by Permit); and

No. 6746 – Wly side of Chowen Av S between 47<sup>th</sup> St W and 48<sup>th</sup> St W (No Parking, 7 am to 9 pm, Monday – Friday, Except by Permit).

Adopted 8/5/05.

**T&PW** - Your Committee, having under consideration City-owned land located at 248 Hennepin Av, now recommends that said land be sold by the method of private sale to the adjacent property owner.

Your Committee further recommends that a public hearing regarding said sale be held on August 9, 2005. (Petr. No. 270580)

Adopted 8/5/05.

Declining to vote - Colvin Roy.

**T&PW** - Your Committee, having under consideration City-owned land located at 1910 Plymouth Av N, now recommends that said land be sold by the method of private sale to the adjacent property owner.

Your Committee further recommends that a public hearing regarding said sale be held on August 9, 2005. (Petr. No. 270580)

Adopted 8/5/05.

Declining to vote – Colvin Roy.

**T&PW** - Your Committee, having under consideration the Solid Waste and Recycling Business Line for Clean City functions, now recommends the addition of three Full Time Employees (FTEs) to accomplish Clean City activities. No additional appropriation is required.

Your Committee further recommends that the proper City officers prepare an analysis of the effect of the additional FTEs on the 2007 Solid Waste and Recycling Rate Structure.

Adopted 8/5/05.

The **TRANSPORTATION & PUBLIC WORKS** and **WAYS & MEANS/BUDGET** Committees submitted the following reports:

**T&PW & W&M/Budget** - Your Committee recommends that the proper City officers be authorized to negotiate and execute a five-year lease agreement with VoiceStream Minneapolis, Inc. (dba T-Mobile) for the use of space in the St. Anthony Municipal Parking Ramp as a cellular antenna site, commencing January 1, 2006, or with the onset of construction, whichever occurs first.

Adopted 8/5/05.

**T&PW & W&M/Budget** - Your Committee, having under consideration the construction of the Mill Quarter Municipal Parking Ramp, now recommends that the proper City officers be directed to execute Change Orders No. 1 through 8, increasing Contract No. C-20999 with Knutson Construction, Inc., by \$355,358, for a revised contract total of \$5,203,358. No additional appropriation is required.

Your Committee further recommends that said contract completion date be extended from June 3, 2005 to August 6, 2005, due to documented delays, as set forth in Petn. No. 270581, on file in the office of the City Clerk.

Adopted 8/5/05.

**T&PW & W&M/Budget** - Your Committee, having under consideration the rehabilitation of Pump Station No. 4 at the Columbia Heights Membrane Filtration Plant, now recommends that the proper City officers be authorized to issue a Request for Proposals for consulting services to include instrumentation and control system design, software development, and assistance for electrical engineering services. Funds are available within the existing project budget.

Adopted 8/5/05.

**T&PW & W&M/Budget** - Your Committee recommends passage of the accompanying Resolution approving bids submitted to the Public Works Department, all in accordance with City specifications (Petn No. 270581).

Adopted 8/5/05.

Approved by Mayor Rybak 8/10/05.

(Published 8/11/05)

Resolution 2005R-450, granting approval of the bids for a) a polyethylene geomembrane liner for Lagoon 8 at the Columbia Heights Membrane Plant; b) a fire protection system; and c) ductile iron pipe, gates and cast or ductile iron fittings, was adopted 8/5/05 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

**RESOLUTION 2005R-450**  
**By Colvin Roy and Johnson**

**Granting approval of the bids for projects and/or services for the City of Minneapolis.**

Resolved by The City Council of The City of Minneapolis:

That the following be accepted and that the proper City officers be authorized to execute contracts for the projects and/or services, in accordance with City specifications, and contingent upon approval of the Civil Rights Department. (Petn No 270581)

a) OP #6484, Accept bid of Clean Air and Water Systems LLC, in the amount of \$187,884, to furnish all labor, materials, equipment, and incidentals necessary to furnish and install a high density polyethylene (HDPE) geomembrane liner for the Public Works Water Department at Lagoon 8, located at the Columbia Heights Membrane Plant;

b) OP #6466, Accept low bid of Skyline Fire Protection, Inc., in the amount of \$73,440, to furnish, deliver, and install a fire protection system; and

c) OP #6438, Accept low responsive bids, as indicated below, to furnish and deliver ductile iron pipe, gates and cast or ductile iron fittings:

|                                 |                   |
|---------------------------------|-------------------|
| American Cast Iron Pipe Company | \$118,000.00;     |
| Minnesota Pipe and Equipment    | \$234,200.00; and |
| National Water Works            | \$133,388.36.     |

Adopted 8/5/05.

Approved by Mayor Rybak 8/10/05.

The **WAYS & MEANS/BUDGET** Committee submitted the following reports:

**W&M/Budget** - Your Committee recommends adoption of the accompanying Resolution authorizing settlement of legal matters, as recommended by the City Attorney.

Adopted 8/5/05.

Resolution 2005R-451, authorizing settlement of the legal claims of Jonathan J. Charon, and Deborah Upchurch, was adopted 8/5/05 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

**RESOLUTION 2005R-451**

**By Johnson**

**Authorizing legal settlements.**

Resolved by The City Council of The City of Minneapolis:

That the City Attorney is authorized to proceed with settlement of the following:

a) Jonathan J. Charon, by payment of \$30,000 to Mr. Jonathan J. Charon and his attorney, Joel Theisen; and

b) Deborah Upchurch, by payment of \$9,000 to Ms. Deborah Upchurch and her attorney, Clair E. Schaff.

Be It Further Resolved that the proper City officers be authorized to execute any documents necessary to effectuate said settlements.

Adopted 8/5/05.

**W&M/Budget** - Your Committee recommends adoption of the accompanying Resolution authorizing full settlement of the condemnation appeal, as recommended by the City Attorney.

Adopted 8/5/05.

Resolution 2005R-452, authorizing settlement of the legal matter of City of Minneapolis v. Hollywood Theatre Company, et al, was adopted 8/5/05 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

**RESOLUTION 2005R-452**

**By Johnson**

**Authorizing legal settlements.**

Resolved by The City Council of The City of Minneapolis:

That the City Attorney is authorized to proceed with the settlement of the condemnation appeal by payment of the amount of \$950,000 to Hollywood Theatre Company and its attorney Dan Rosen.

Be It Further Resolved that the proper City officers be authorized to execute any documents necessary to effectuate said settlements.

Adopted 8/5/05.

**W&M/Budget** - Your Committee recommends that the proper City officers be authorized to issue a Request for Proposals (RFP), for Managed Services of the Enhanced (E-911) Telephone System.

Adopted 8/5/05.

**W&M/Budget** - Your Committee recommends that the proper City officers be authorized to execute a contract with TriTech Software Systems for the Minneapolis Emergency Communication Center Computer-Aided Dispatch (CAD) system.

Your Committee further recommends passage of the accompanying Resolution increasing the appropriation for the Emergency Communications Agency by \$5,800,000 for the cost of said services. Adopted 8/5/05.

**RESOLUTION 2005R-453**

**By Johnson**

**Amending The 2005 General Appropriation Resolution.**

Resolved by The City Council of The City of Minneapolis:

That the above-entitled resolution, as amended, be further amended as follows:

a) by increasing the appropriation to the Emergency Communications Agency in the Federal - Grant Fund (0300-830-8300) by \$4,200,000;

b) by increasing the appropriation to the Emergency Communications Agency in the Grants - Other Fund (0600-830-8300) by \$1,600,000; and

c) by increasing the Information and Technology Services revenue source (6400-880-8870 - Source 3455) by \$5,800,000.

Adopted 8/5/05.

**W&M/Budget** - Your Committee recommends that the proper City Officers be authorized to increase the Unisys Contract (C-1888101) by \$4,000,000 for Change Order transactions \$50,000 or less (as outlined in Petn No 270584), for a period of 7 years (2003 - 2010).

Adopted 8/5/05.

**W&M/Budget** - Your Committee recommends acceptance of the low bid of FKI Logistex Inc. for work indicated in the plans and specifications. All this work including furnishing and delivery all material, labor, equipment and incidentals necessary to accomplish the work of Contract #16, "Automated Materials Handling System", all in accordance with the plans, specifications and addenda prepared by Architectural Alliance.

It is further recommended that the proper Library Board and City Officers be authorized and directed to execute the contract for said services.

Adopted 8/5/05.

Approved by Mayor Rybak 8/10/05.

(Published 8/11/05)

**W&M/Budget** - Your Committee recommends passage of the accompanying Resolution approving construction change orders for contracts related to the New Central Library Project.

Adopted 8/5/05.

Approved by Mayor Rybak 8/10/05.

(Published 8/11/05)

Resolution 2005R-454 approving construction change orders for contracts related to the New Central Library Project, was adopted 8/5/05 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

**RESOLUTION 2005R-454**

**By Johnson**

**Approving Change Orders for the New Central Library Project.**

Resolved by The City Council of The City of Minneapolis:

That the following change orders be approved:

- a) Change Order No. 2 increasing Contract Number 019830 with Schindler Elevator Corporation by \$12,171; and
- b) Change Order No. 3 increasing Contract Number C-19477 with Sowles Company, d.b.a. Northwest Tower Crane by \$30,339; and
- c) Change Order No. 7 increasing Contract Number C-20366 with Egan Companies, Inc. d.b.a. Egan Mechanical by \$114,557; and
- d) Change Order No. 6 increasing Contract Number C-20345 with Egan Companies, Inc. d.b.a. Egan McKay Electrical by \$271,374; and
- e) Change Order No. 3 increasing Contract Number C-20480 with Spacesaver Storage Systems, Inc. by \$236,229; and
- f) Change Order No. 6 increasing Contract Number C-20481 with PCL Construction Services, Inc. by \$390,233; and
- g) Change Order No. 7 increasing Contract Number C-20481 with PCL Construction Services, Inc. by \$164,768; and
- h) Change Order No. 4 increasing Contract Number C-20480 with Spacesaver Storage Systems, Inc. by \$103,118.

Adopted 8/5/05.

Approved by Mayor Rybak 8/10/05.

**W&M/Budget** - Your Committee recommends that the proper City officers be authorized to issue a Request for Proposals (RFP), for Emergency Medical Services at the Minneapolis Convention Center, effective January 1, 2006, at an estimated annual cost of \$60,000, payable from the Convention Center Operations Fund and Agency (0760-MCC).

Adopted 8/5/05.

**W&M/Budget** - Your Committee recommends acceptance of the low bid of Greiner Construction Inc. in the amount of \$269,200 for a Visitor's Information Kiosk at the Convention Center.

It is further recommended that the proper City Officers be authorized and directed to execute the contract for said project.

Adopted 8/5/05.

**W&M/Budget** - Your Committee recommends passage of the accompanying Resolution approving the terms of a 3-year labor agreement with the Minneapolis Association of Fire Chiefs, effective October 15, 2002 through October 14, 2005.

Adopted 8/5/05.

Resolution 2005R-455 approving the terms of a 3-year labor agreement with the Minneapolis Association of Fire Chiefs, was adopted 8/5/05 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

**RESOLUTION 2005R-455**

**By Johnson**

**Approving the terms of a collective bargaining agreement with the Minneapolis Association of Fire Chiefs and authorizing execution and implementation of said agreement.**

Resolved by The City Council of The City of Minneapolis:

That the executive summary of the collective bargaining agreement between the City of Minneapolis and the Minneapolis Association of Fire Chiefs (Petn No 270588), be approved.

Be It Further Resolved that the proper City officers be authorized to prepare and execute said collective bargaining agreement consistent with the terms of the executive summary and that the Human Resources Director be authorized to implement the terms and conditions of the collective bargaining agreement upon its execution.

Adopted 8/5/05.

**W&M/Budget** - Your Committee recommends that the proper City Officers be authorized to hire the following individuals for the position of Mechanical, Warm Air Inspector;

- a) Leslie Blackwell (Step 5); and
- b) Robert Jovanovich (Step 6).

Adopted 8/5/05.

**W&M/Budget** - Your Committee recommends approval of the recommendation of the Director of Human Resources regarding classification of the position, Director, Outreach and Enforcement (Grade 11), effective July 25, 2005.

Your Committee further recommends passage of the accompanying Salary Ordinance establishing the salary for said position.

Adopted 8/5/05.

Ordinance 2002-Or-067 amending Title 2, Chapter 20 of the Minneapolis Code of Ordinances relating to *Administration: Personnel*, establishing the salary for the classified position of Director, Outreach and Enforcement, was adopted 8/5/05 by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

**ORDINANCE 2005-Or-067**  
**By Johnson**  
**1st & 2nd Readings: 8/5/05**

**Amending Title 2, Chapter 20 of the Minneapolis Code of Ordinances relating to Administration: Personnel.**

The City Council of the City of Minneapolis do ordain as follows:

Section 1: That the following classification in Section 20.10.01 of the above-entitled ordinance be amended to make the following changes: (Annual Rates)

**Appointed Officials (CAP)**  
**Effective: July 25, 2005**

| FLSA | OTC | CLASSIFICATION                           | P | Step A<br>Start<br>rate | Step B<br>After 1<br>"A" year | Step C<br>After 2<br>"B" | Step D<br>After 3<br>"C" |
|------|-----|--|---|-------------------------|-------------------------------|--------------------------|--------------------------|
| E    | 1   | Director,<br>Outreach and<br>Enforcement | A | \$72,734                | \$76,563                      | \$78,859                 | \$80,391                 |

Adopted 8/5/05.

**W&M/Budget** - Your Committee having under consideration a report regarding recent legislative changes to the "Governor's Salary Cap", effective August 1, 2005, and advising the Council on actions to be taken by the Human Resources Department (as outlined in Petn No. 270582), that was referred from the Executive Committee, now recommends that said report be received and filed.

Zerby moved a substitute motion to reject the report and to refer it back to staff with the direction to return to the Council with a salary schedule for the affected personnel that is limited to a 2% increase in their salaries. Seconded.

Lost. Yeas, 6; Nays, 7 as follows:

Yeas - Colvin Roy, Zimmermann, Schiff, Zerby, Lilligren, Johnson Lee.

Nays - Johnson, Niziolek, Benson, Goodman, Lane, Samuels, Ostrow.

The report was adopted 8/5/05. Yeas, 8; Nays, 5 as follows:

Yeas - Johnson, Colvin Roy, Niziolek, Benson, Goodman, Lane, Samuels, Ostrow.

Nays - Zimmermann, Schiff, Zerby, Lilligren, Johnson Lee.

The **ZONING & PLANNING** Committee submitted the following reports:

**Z&P** - Your Committee, having under consideration the appeal filed by Whitney Partners, LLC from the decision of the Heritage Preservation Commission (HPC) which approved an application for a Certificate of Appropriateness for the 96-unit hotel conversion into approximately 50 condominium units, with the decision to not approve 30 additional window openings on the north (river) elevation (floors 2-6) for the property at 150 Portland Ave, now recommends that said appeal be granted and that the Certificate be approved.

Schiff moved a substitute report to approve the HPC staff recommendation that adopts the HPC staff findings and approves the Certificate of Appropriateness with eight conditions, with condition three reading as follows: "3. The north (river) elevation balconies and the associated openings are approved, but the additional 30 window openings are not approved on this elevation." Seconded.

Lost upon a voice vote.

Schiff moved to amend the report by adding HPC staff recommendations for conditions of approval of the Certificate of Appropriateness, with recommendation No. 3 amended, as follows: 1) The proposed metal cornice detail on the Standard Mill building is not approved; 2) The proposed railing on the rooftop must be placed in the same location and setback as the current railing; 3) The north (river) elevation balconies and the associated openings are approved, and the additional 30 window openings are approved on this elevation; 4) The applicant must record archaeological resources under the plaza before the parking deck receives building permits; 5) The design of the two-story building with the three-story addition should incorporate the following recommendations: the windows of the two buildings should relate in size and shape; the number of panes should be increased to relate to the industrial character of the district; the design should incorporate a vertical emphasis; the upper floors should be set back from the lower floors to differentiate the old and the new; 6) Rooftop or penthouse equipment is not part of this approval and should not be added to the addition. Because the two rooftops of the buildings are closely the same, rooftop equipment would detract from the historic character of the Standard Mill; 7) Details of the ground floor privacy screen separators must be provided to and approved by HPC staff; and 8) At least eight inches of ground must be left around the perimeter of the parking deck to allow for vine plantings to screen the wall. Seconded.

Adopted by unanimous consent.

Absent – Samuels.

The report, as amended, was adopted 8/5/05. Yeas, 10; Nays, 2 as follows:

Yeas - Johnson, Colvin Roy, Zimmermann, Zerby, Lilligren, Johnson Lee, Niziolek, Benson, Goodman, Ostrow.

Nays – Schiff, Lane.

Absent – Samuels.

**Z&P** - Your Committee, having under consideration the appeal filed by Master Civil & Construction Engineering, Inc from the decision of the Planning Commission denying applications for a) conditional use permit for the proposed 27-unit residential building with underground parking at 4516 and 4556 E 46<sup>th</sup> St (Falls Condominiums); b) variance to reduce the required rear yard (west) setback from 11' to 8'; c) variance to reduce the required interior (north) yard setback from 11' to 10' for the main building to allow ground level patios, balconies, and trash enclosure to encroach into the setback; d) variance of front (east) yard setback to reduce the required front yard setback on 46<sup>th</sup> Ave from 21' to 7' to allow ground

level patios, balconies, retaining walls greater than 3' & walkway wider than 6'; e) variance of corner (south) yard setback for the building from 14' to 5' to allow ground level patios, balconies & retaining walls greater than 3'; f) variance to reduce the minimum required width of a drive aisle from 22' to 0'; and g) site plan review, now recommends that said appeals be granted and applications be approved as follows: a) conditional use permit for 27-unit residential building with underground parking; b) variance to reduce the required rear yard (west) setback from 11' to 9'; c) variance to reduce the required interior (north) yard setback from 11' to 10' for the main building to allow ground level patios and balconies; d) variance of front (east) yard setback to reduce the required front yard setback on 46<sup>th</sup> Ave from 21' to 10' and to 8' for balconies, and to allow an 11' wide front walkway; e) variance of corner (south) yard setback for the building and balconies from 14' to 5' and allow patios to encroach into the corner yard, as shown on the modified site plan; f) variance to reduce the minimum required width of a drive aisle from 22' to 0'; and g) site plan review, as modified, finding that the fencing as proposed along 46<sup>th</sup> Ave, particularly the wrought iron, is optional.

Adopted 8/5/05.

**Z&P** – Your Committee concurs in the recommendation of the Planning Commission in granting the petition of Master Civil & Construction Engineering, Inc (BZZ-2400) to rezone the property at 4516 E 46<sup>th</sup> St from OR1 to the OR2 District to permit development of a 27-unit residential building with underground parking (Falls Condominiums), and adopting the related findings prepared by the Department of Community Planning & Economic Development.

Your Committee further recommends passage of the accompanying ordinance amending the Zoning Code.

Adopted 8/5/05.

Ordinance 2005-Or-068, amending Title 20, Chapter 521 of the Minneapolis Code of Ordinances relating to *Zoning Code: Zoning Districts and Maps Generally*, rezoning the property at 4516 E 46<sup>th</sup> St to the OR2 District, was adopted 8/5/05 by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

**ORDINANCE 2005-Or-068**

**By Schiff**

**1<sup>st</sup> & 2<sup>nd</sup> Readings: 8/5/05**

**Amending Title 20, Chapter 521 of the Minneapolis Code of Ordinances relating to Zoning Code: Zoning Districts and Maps Generally.**

The City Council of The City of Minneapolis do ordain as follows:

Section 1. That Section 521.30 of the above-entitled ordinance be amended by changing the zoning district for the following parcel of land, pursuant to MS 462.357:

A. Lots 13, 14 and 15, except the east 80 feet, Block 1, Fullers River-Dale Addition to Minneapolis (4516 E 46<sup>th</sup> St - Plate 34) to the OR2 District.

Adopted 8/5/05.

**Z&P** - Your Committee, having under consideration the appeal filed by Velocity Investments, dba Le Parisien, LLC, from the decision of the Planning Commission which conditioned approval of a site plan to include the roof style as mansard for an approval of a conditional use permit for a five-story building, 55 feet tall to top of mansard roof where a 4-story building of 56 feet height is allowed; b) denying a setback variance from 13 to 0 feet for the rear yard; and c) denying a setback variance from 13 to 7 feet on the north interior lot line, all for a proposed mixed-use, commercial-residential development at 2301-09 Lyndale Ave S, now recommends that said appeals be granted and the applications approved, with the change of a gable style roof as requested by the applicant, with a maximum roof height of 52 feet.

Adopted 8/5/05.



**Z&P** – Your Committee, to whom was referred back on 7/22/05 the recommendation of the Planning Commission which granted the petition of Velocity Investments, dba Le Parisien, LLC (BZZ-2273) to rezone the properties at 2301-09 Lyndale Ave S from C1 to the C2 District to permit a mixed-use building designed as a shopping center with ground floor and second story commercial uses, green rooftop garden space and 13 dwelling units with enclosed parking, notwithstanding staff recommendation, and having held further discussion thereon, now recommends that said petition be granted, and that the related findings prepared by the City Planning Commission be adopted.

Your Committee further recommends passage of the accompanying ordinance amending the Zoning Code.

Adopted 8/5/05.

Ordinance 2005-Or-069, amending Title 20, Chapter 521 of the Minneapolis Code of Ordinances relating to *Zoning Code: Zoning Districts and Maps Generally*, rezoning the properties at 2301-09 Lyndale Ave S to the C2 District, was adopted 8/5/05 by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

**ORDINANCE 2005-Or-069**

**By Schiff**

**1<sup>st</sup> & 2<sup>nd</sup> Readings: 8/5/05**

**Amending Title 20, Chapter 521 of the Minneapolis Code of Ordinances relating to Zoning Code: Zoning Districts and Maps Generally.**

The City Council of The City of Minneapolis do ordain as follows:

Section 1. That Section 521.30 of the above-entitled ordinance be amended by changing the zoning district for the following parcel of land, pursuant to MS 462.357:

A. Lots 23 and 24-27 inclusive, Block 002, Badger & Pennys 2<sup>nd</sup> Addition to Minneapolis (2301-09 Lyndale Ave S – Plate 18) to the C2 District.

Adopted 8/5/05.

**MOTIONS**

Johnson moved that the regular payrolls for all City employees under City Council jurisdiction for the month of September 2005 be approved and ordered paid subject to audit by the Finance Officer. Seconded.

Adopted 8/5/05.

Absent - Samuels.

**RESOLUTIONS**

Resolution 2005R-456, declaring August 12, 2005 as “Community Gardening Day” in the City of Minneapolis, was adopted 8/5/05 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

**RESOLUTION 2005R-456**

**By Goodman, Benson and Lilligren**

**Declaring August 12, 2005 as “Community Gardening Day” in the City of Minneapolis.**

Whereas, the City of Minneapolis is home to nearly 100 community gardens; and  
Whereas, Community gardens beautify our neighborhoods, strengthen block clubs, enhance community crime prevention efforts; and  
Whereas, Community gardens provide opportunities for cross-cultural and inter-generational learning; and  
Whereas, The American Community Gardening Association recognizes Minneapolis as a major center for community gardening in North America; and  
Whereas, The American Community Gardening Association has chosen the City of Minneapolis as the very best place to hold its 26th annual conference;  
Now, Therefore Be It Resolved by The City Council of The City of Minneapolis:  
That we commend the thousands of Minneapolis residents who participate in community gardens for their valuable contributions to our City.  
Be It Further Resolved that August 12, 2005 shall be declared as "Community Gardening Day" in the City of Minneapolis.  
Adopted 8/5/05.  
Absent - Samuels.

Resolution 2005R-457, approving the subdivision of a lot at 1012, 1016 & 1018 E 25th Street, was adopted 8/5/05 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

**RESOLUTION 2005R-457**  
**By Goodman**

**Approving the subdivision of a lot at 1012, 1016 & 1018 E 25th Street.**

Whereas, the City of Minneapolis' Department of Community Planning and Economic Development (CPED) has requested that a parcel of land located at 1012, 1016 & 1018 E 25th Street and legally described as:

West 33 feet of Lots 6 and 7, Cole and Week's Re-arrangement of a part of Brackett and Bovey's Addition to Minneapolis,

And

Lots 6 and 7, Block 7, Cole and Week's Re-arrangement of a Part of Brackett and Bovey's Addition to Minneapolis except the West 33 feet and the East 60 feet thereof,

And

The West 30 feet of the East 60 feet of Lots 6 and 7, Block 7, Cole and Weeks Re-arrangement of a part of Brackett and Bovey's Addition to Minneapolis.

be subdivided as follows:

**Parcel A**

That part of Lots 6 and 7, Block 7, Cole and Week's Re-arrangement of a Part of Brackett and Bovey's Addition to Minneapolis, lying West of the East 60.00 feet thereof and together with the West 15.00 feet of the West 30.00 feet of the East 60.00 feet of Lots 6 and 7, Block 7, Cole and Week's Re-arrangement of a Part of Brackett and Bovey's Addition to Minneapolis.

**Parcel B**

The East 15 feet of the West 30.00 feet of the East 60.00 feet of Lots 6 and 7, Block 7, Cole and Week's Re-arrangement of a Part of Brackett and Bovey's Addition to Minneapolis.

Whereas, the proposed subdivision conforms with Minnesota Statutes Section 462.358 and Land Subdivision Regulations adopted by the Minneapolis City Council on July 14, 1995; and

Whereas, pursuant to due notice thereof published in Finance and Commerce on July 1, 2005, a public hearing on said subdivision and proposed sale was duly held in a meeting of the Community Development Committee of the City Council at 1:30 p.m., July 12, 2005, in Room 319, Minneapolis City Hall, 350 South 5th Street, in the City of Minneapolis, County of Hennepin, State of Minnesota;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:  
That the division of the above described property be approved and the requirement of a subdivision plat be waived.  
Be It Further Resolved that a certified copy of this resolution shall be attached to the deeds conveying the subdivided parcels.  
Adopted 8/5/05.  
Absent - Samuels.

### NEW BUSINESS

Zerby introduced an ordinance amending Title 15, Chapter 385 of the Minneapolis Code of Ordinances relating to *Offenses—Miscellaneous: In General*, which was given its first reading and referred to the Public Safety & Regulatory Services Committee (amending Section 385.80 to remove the prohibition against lurking with intent to “do any mischief”).

Lilligren moved to adjourn to Room 315 City Hall to consider the Flowers v. Kevin Stoll et al. lawsuit, In Re Flowers v. Officers Mooney & Becker et al., and In Re Flowers v. Samuels, Ostrow and City of Minneapolis et al. Seconded.  
Adopted upon a voice vote.  
Absent - Samuels.

Room 315 City Hall  
Minneapolis, Minnesota  
August 5, 2005 - 10:40 a.m.  
The Council met pursuant to adjournment.  
President Ostrow in the Chair.  
Present - Samuels, Johnson, Colvin Roy, Zimmermann, Schiff, Zerby, Lilligren, Niziolek, Benson, Goodman, Lane, Ostrow.  
Absent - Johnson Lee.

Jay Heffern, City Attorney, stated that the meeting may be closed for the purpose of discussing attorney-client privileged matters involving the Flowers v. Kevin Stoll et al. lawsuit, In Re Flowers v. Officers Mooney & Becker et al., and In Re Flowers v. Samuels, Ostrow and City of Minneapolis et al.

At 10:48 a.m., Ostrow moved that the meeting be closed. Seconded.  
Adopted upon a voice vote.

Present - Samuels, Johnson, Colvin Roy, Zimmermann, Schiff, Zerby, Lilligren, Niziolek, Benson (Out at 11:10 a.m.), Goodman, Lane, Ostrow.  
Absent - Johnson Lee.  
Also present - Jay Heffern, City Attorney; Peter Ginder (Out at 12:05 p.m.), Deputy City Attorney; Jim Moore, Asst. City Attorney; Deputy Chief Don Harris (In at 11:05 a.m.); Merry Keefe (Out at 11:42 a.m.), City Clerk; Peggy Menshek, City Clerk's Office.

Moore summarized the Flowers v. Kevin Stoll et al. lawsuit, In Re Flowers v. Officers Mooney & Becker et al., and In Re Flowers v. Samuels, Ostrow and City of Minneapolis et al. lawsuit from 10:48 a.m. to 12:10 p.m.

At 12:10 p.m., Colvin Roy moved that the meeting be opened. Seconded.  
Adopted upon a voice vote.

The adjourned session of the City Council meeting was tape recorded with the tape on file in the office of the City Clerk.

**AUGUST 5, 2005**

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Niziolek moved to adjourn. Seconded.  
Adopted upon a voice vote.  
Absent - Johnson Lee.

Merry Keefe,  
City Clerk.

Unofficial posting: 8/05/2005  
Official Posting: 8/12/2005  
Corrections: 9/01/2005